

Message

From: Norman Bernstein [nwbernstein@nwblc.com]
Sent: 3/31/2020 6:33:53 PM
To: Bwinder [bwinder@mcmillan-mcgee.com]
CC: Ohl, Matthew [ohl.matthew@epa.gov]; Peter M. Racher Esq. [pracher@psrb.com]; David Rountree [droundtree@mcmillan-mcgee.com]; Shannon L. Kelley [skelley@parlee.com]; Eric Ringdahl [eringdahl@mcmillan-mcgee.com]
Subject: Re: Zionsville electrical service
Attachments: Third Site DNAPL Area Sampling Work Plan As Submitted 2-12-2020.pdf; As submitted to EPA 3-13-2020 Addendum to the DNAPL Area Sampling Work Plan (2).docx; Matt Ohl's E-mail of 3-25-2020 requesting additional DNAPL area work.pdf; March 27 2020 Memo from Geosyntec Responding to Matt Ohl DNAPL Containment Area Comments of 3-25-2020.pdf

Mr. Winder

A. Attached are the sampling plan, the groundwater addendum, EPA approval and requests regarding additional work and information, and Geosyntec response to EPA. You now have the same information we have..

B. Questions 2 and 3 are repeated.

C. As to question 4, it is clarified to read "*and no removal of any equipment from the site fenced area unless approved in writing and in advance by the Trustees or as authorized under MM's contract.*"

I await your response to 2, 3, and 4 (as clarified) .

Norman W. Bernstein

On Tue, Mar 31, 2020 at 2:05 PM Bwinder <bwinder@mcmillan-mcgee.com> wrote:

Mr. Bernstein,

Thank you for your email.

I have itemized your points below as I believe that this is the best way to respond. My responses to each are in RED following your query.

Do I have your assurance on these points:

1. *restoration of electrical service when needed as determined by the Trustees.* Yes.
2. *temporary relocation and restoration of equipment within the locked site fence area as needed to facilitate implementation of the EPA approved sampling plan.* No. We have not seen the sampling plan nor been apprised of the sampling equipment and its dimensions so we cannot determine accessibility at this time or even if the equipment will fit within the confines. It is also noted that there are currently travel restrictions associated with COVID-19 that may impede our personnel from reaching the site. We have also not seen the schedule for the sampling plan to properly comment on this.
3. *cooperation in the implementation that sampling plan without further comment on it by MM;* No. We have not seen the sampling plan and, as such, cannot assure you that we will not have additional

comments. I find it quite curious that you are asking us not to comment on something we have yet to see.

4. *and no removal of any equipment from the site fenced area unless approved in writing and in advance by the Trustees.* No. I do not know if the above item refers to the time of the sampling event or in general and therefore cannot agree to it.

I fail to see how these last three points have any bearing on the request to grant the utility access to the site to pull the fuses and can't help but wonder if a quid pro quo is being sought. Is that the intent of this email? Are you asking us to relent on all of these points prior to allowing access to the site?

I ask again if you will grant access to the utility to complete the requested task. A simple yes or no answer will suffice.

Cheers,

Brent

On Mar 31, 2020, at 11:02 AM, Norman Bernstein <nwbernstein@nwblc.com> wrote:

Mr. Winder

Thank you for your email.

You will be receiving either late today or tomorrow information on the details of a DNAPL area sampling plan that was approved late last week by EPA. Implementation of that sampling plan (which includes groundwater sampling to 46 feet bgs) will require the cooperation of MM in temporarily relocating equipment to a mutually agreed laydown area within the site locked fence boundary and restoration of that equipment as directed by the Trust. as needed. There is to be no further comment by MM on the EPA approved sampling plan and no equipment is to be removed from the locked site fence area.

Do I have your assurance on these points: restoration of electrical service when needed as determined by the Trustees; temporary relocation and restoration of equipment within the locked site fence area as needed to facilitate implementation of the EPA approved sampling plan; cooperation in the implementation that sampling plan without further comment on it by MM; and no removal of any equipment from the site fenced area unless approved in writing and in advance by the Trustees? Please answer simply yes or no.

Thank you.

Norman W. Bernstein, Trustee

On Tue, Mar 31, 2020 at 12:31 PM Bwinder <bwinder@mcmillan-mcgee.com> wrote:

Mr. Bernstein,

We did not inform you last week that we had requested that the local utility pull the fuses on the electrical service as a cost saving measure to the project. We regret this omission. However, when they arrived to complete this work your security personnel would not allow them on site.

We continue to receive invoices from the utility at a rate of more than \$1,500/month even while there is no electricity being used. We think that is prudent for all involved to minimize all possible project costs, especially in these uncertain times.

We respectfully request that you allow access for the utility personnel to the site so that the fuses can be removed and the invoicing from the utility can cease for the time being. The service can be reconnected very quickly at a later date, if warranted.

Your urgent attention to this matter is appreciated.

Sincerely,

Brent

*Brent Winder
Vice-President
McMillan-McGee Corp.*

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Visit us at www.mcmillan-mcgee.com

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